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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,519	05/31/2000	Daniel Otto Becker	AUS990918US1	2496

7590 01/21/2004

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EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 01/21/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/583,519

Applicant(s)

BECKER, DANIEL OTTO

Examiner

Quang N. Nguyen

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Note Attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-5, 7, 9, 10, 12, 13, 15-20, 22 and 24.

Claim(s) withdrawn from consideration: 6, 8, 11, 14, 21 and 23.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DETAILED ACTION

1. This Advisory Action is in response to the Response Amendment B filed on 01/08/2004.

Response to Arguments

2. In the remarks, applicant argued in substance that

(A) Prior Art does not teach or suggest "dynamically executing functions on said server associated with said class file."

As to point (A), before addressing the argument, Examiner submits that in computer programming, "a function" is defined as "a software routine or procedure, which performs a special task or operation". Tyra teaches client machines within the network system transmit to a server a request with an explicit reference or a class name (i.e., an identifier or a class file) to a server for a particular operation (for example, a request for updates to a particular information, such as an update for a particular stock price or a request for trading a particular stock with a specified price and volume, Tyra, C1: L19-28) and the server **executes functions on said server associated with said class file (i.e., associated with the received explicit reference or identifier)** such as manipulating the identifier and comparing the manipulated identifier with available files

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(i.e., the available class files) to locate the class file, then **the located class file is loaded/executed/implemented** to achieve the results (i.e., the update for a particular stock price) which are transmitted to the client based upon the determining and searching (Tyra, C2: L61-67 and C17: L25-65). Hence, Tyra does teach dynamically executing functions (such as searching for the class file; comparing the class file with a set of class files; locating and loading/executing the class file and transmitting the associated results/changes to the client) on said server associated with said class file.

(B) Prior Art does not "provide an associated functional operation in response to locating the file at the server/network".

As to point (B), Tyra does teach that in response to locating the file at the server/network (i.e., after comparing the class file with the available class files to locate the class file), **the located class file is loaded/executed/implemented** by the server to achieve the results (i.e., the update for a particular stock price) which are transmitted to the client based upon the determining and searching (Tyra, C2: L61-67 and C17: L25-65).


3. Applicant's arguments as well as request for reconsideration filed on 01/08/2004 have been fully considered but they are not deemed to be persuasive.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER